

**IN THE UNITED STATES DISTRICT COURT  
THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

**RUBY CARR,**

**Plaintiff,**

**V.**

**STATE OF ALABAMA DEPARTMENT )  
OF YOUTH SERVICES; J. WALTER )  
WOOD, Jr., individually and as Executive )  
Director of the Alabama Department of )  
Youth Services; TROY KING, as Attorney )  
General of the State of Alabama; T. )  
DUDLEY PERRY JR., Individually and in )  
his capacity as Deputy Attorney General; and )  
TRACY SMITHERMAN, individually, )**

## Defendants.

**Case No.**

**2:07cv532-MHT**

## JOINT MOTION FOR LEAVE TO AMEND SCHEDULING ORDER

**COME NOW** the parties and hereby moves this Court for leave to amend its Uniform Scheduling Order of October 2, 2007. In support thereof, the parties state the following:

1. On June 15, 2007, plaintiff Ruby Carr filed her *Complaint* against the sole defendant, Alabama Department of Youth Services.
2. On September 27, 2007, counsel for plaintiff Ruby Carr and counsel for

the Department of Youth Services held the Parties' Planning Meeting in compliance with the Court's Rule 26(f) Order addressing a proposed discovery plan.

3. On September 28, 2007, the parties filed their *Report of Parties' Planning Meeting* with the Court. (See Ct. Doc. 12).

4. On October 7, 2007, this Court adopted the dates outlined in the *Report of Parties' Planning Meeting* and entered its *Uniform Scheduling Order* setting forth the deadlines and responsibilities of the parties. (Pursuant to the Order, dispositive motions should be filed by May 13, 2008; and the discovery deadline is June 30, 2008.)

5. On December 18, 2007, the plaintiff filed an *Amended Complaint*, adding defendants Walter Wood, Jr., Attorney General Troy King, T. Dudley Perry, and Tracy Smitherman. (See Ct. Doc. 18).

6. In light of the additional defendants, the parties seek leave to amend the Court's Scheduling Order to allow the parties to meet and revise the discovery plan to accommodate all of the parties.

The current deadlines do not allow sufficient time for the parties to complete discovery and file dispositive motions. Said discovery will need to be completed before any effective dispositive motion can be filed.

7. Additionally, on January 28, 2008, the defendants filed a *Motion to*

*Dismiss* the plaintiff's *Complaint*. (See Ct. Doc. 24). The Motion to Dismiss is currently pending before this Court. Upon a ruling from the Court, one or more of the defendants may be dismissed from the case.

As such, the parties request leave to amend the *Report of Parties' Planning Meeting* and *Scheduling Order* within 14 days after the Court issues its ruling on the defendants' Motion to Dismiss, or in the alternative, the parties request leave to amend the *Report of Parties Planning Meeting* and *Scheduling Order* with new dates within 30 days.

Neither the Court nor the parties will be prejudiced by amending the *Scheduling Order*.

**WHEREFORE, PREMISES CONSIDERED,** the parties respectfully request this Court enter an order granting the parties leave to amend the *Report of Parties Planning Meeting* and/or the *Scheduling Order*.

Respectfully submitted,

/s/ E. Dianne Gamble

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